

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
vs.)
DAKOTA LATRACON CARVER)
CASE NO. 3:12-00130
SENIOR JUDGE NIXON

MOTION TO EXTEND MOTIONS DEADLINE

Comes now the defendant, DAKOTA LATRACON CARNVER, by and through the undersigned attorney, pursuant to 18 U.S.C §§3161-3174, and moves this Honorable Court to enter an order extending the deadline for filing dispositive motions by sixty (60) days. In support of this motion, the defendant states as follows:

1. The Defendant was originally charged in a two count indictment. The first count of the indictment alleged that he possessed a firearm after being convicted of a felony, in violation of Title 18, United States Code, Section 922(g)(1) and 924. The second count alleged that he possessed an undetermined amount of cocaine base in violation of Title 18, United States Code 841(a)(1).

2. The Government then superseded the original indictment with four additional charges including two charges pursuant to Title 18, United States Code, Section 924(c). The arraignment on the superseding indictment was conducted on January 7, 2013. As such, per local rule the deadline for filing dispositive motions is currently set to expire Friday, February 5, 2013.

3. The defendant is requesting a sixty day extension for several reasons. First, the charges contained in the second superseding indictment have increased the maximum

potential penalty in this case from twenty years to life and has introduced a potential thirty year mandatory minimum prison sentence. As such, because of the dramatic increase in potential penalties, more time is needed to determine what motions need to be filed to offer the best potential defense. Second, counsel has already identified at least two motions that need to be filed in this case, and each will require extensive research to effectively present the issues. Third, further investigation is necessary for some of the potential motions and the undersigned counsel is currently in the process of getting a budget approved by the Sixth Circuit for the additional investigative assistance. However, the budgeting process could take several weeks to complete prior to the authorization of funds.

4. To date, this Honorable Court has not issued an order setting the date of trial or the other deadlines in this case. As such, this request for an extension should not interfere with the Court's trial calendar. Moreover, the undersigned counsel has communicated with the AUSA assigned to this case who has indicated that he does not oppose the request for an extension.

5. Pursuant to the authority of 18 U.S.C. §§ 3161(h)(8) and the decision of **United States v. Fielding, 645 F.2d 719 (9 Cir. 1991), United States v. Edwards, 577 F.2d 883 (5 Cir. 1978), United States v. Roberts, 548 F.2d 665 (6 Cir 1977)**, the ends of justice served by granting of this extension outweigh the interest of the public and the Defendant in a speedy trial.

WHEREFORE, the Defendant, DAKOTA CARVER, through appointed counsel, respectfully moves this court to issue an order granting the above request for an extension of the motions deadline for a period of sixty (60) days.

LAW OFFICE OF NICOLL & NICOLL

BY: /s/ John E. Nicoll
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CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2013, a copy of the foregoing document was filed electronically, and notice of this filing will be sent by operation of the Court's electronic filing system to:

Braden H. Boucek
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Nashville, TN 37203-3870

/s/ John E. Nicoll
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